



01-24-02

PATENT
660057-2000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael Conor MINOGUE
Michael Louis CROWE

U.S. Appln. No. : 09/902,281

U.S. Filing Date : July 10, 2001

Title of Invention : AN ELECTROTHERAPY DEVICE AND
METHOD

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EV 001582188 US

Date of Deposit: January 21, 2002

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to
Addressee" Service under 37 CFR 1.10 on the date indicated
above and is addressed to the Assistant Commissioner for Patents
Washington, DC 20231.

Edward Nay

(Typed or printed name of person mailing paper or fee)

Edward Nay

(Signature of person mailing paper or fee)

SUPPLEMENTAL RESPONSE TO NOTICE OF INCOMPLETE REPLY OF NON
PROVISIONAL APPLICATION
AND PETITION FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Washington, D.C. 20231
Box Missing Parts

Dear Sir:

In response to the NOTICE OF INCOMPLETE REPLY, mailed December 17,
2001, and NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION,
mailed August 24, 2001, enclosed is the Abstract as required under 37 CFR 1.72(b). A copy of

01/29/2002 BABRAHA1 00000055 09902281

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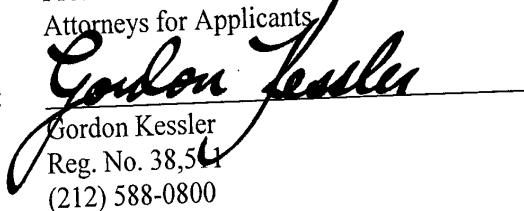
the aforementioned Notices and a check for an extension of time to extend the period for response to the Notice To File Missing Parts, mailed August 24, 2001, i.e., up to and including January 24, 2002 are also enclosed. Applicants hereby enclose a check in the amount of \$405.00 (\$460.00 less \$55.00 paid October 29, 2001) to cover the cost of the extension (small entity).

Please charge any additional fees required for the filing of this application or credit any overpayment to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:


Gordon Kessler
Reg. No. 38,561
(212) 588-0800

Encls. - Abstract

- Copy of Notice of Incomplete Reply
- Copy of Notice to File Missing Parts of Nonprovisional Application

SEARCHED
SERIALIZED
INDEXED
FILED



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,281	07/10/2001	Michael Conor Minogue	660057-2000

CONFIRMATION NO. 8686

FORMALITIES LETTER



OC00000007201449

FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Date Mailed: 12/17/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 10/29/2001 to the Notice to File Missing Parts (Notice) mailed 08/24/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- o An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

A copy of this notice MUST be returned with the reply.

jen
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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JAN 21 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,281	07/10/2001	Michael Conor Minogue	660057-2000

CONFIRMATION NO. 8686

FORMALITIES LETTER



OC00000006468398

FROMMER LAWRENCE & HAUG LLP
 745 Fifth Avenue
 New York, NY 10151

Date Mailed: 08/24/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

JAN 21 2002

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Edward Nay
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Edward Nay
(Signature of person mailing paper or fee)

REQUEST FOR REFUND

Office of Finance
Refund Section
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a Request For Refund of \$405.00 that is filed concurrently herewith with a
Supplemental Response to Notice to File Missing Parts of Non Provisional Application.

Applicants failed to provide an Abstract with the application as filed, and in response to the Notice to File Missing Parts until now. Applicants submit that the Abstract is not a statutory requirement for submission of an application, and indeed is not noted in section 1.52(f) or section 1.16(e) as being an item for which a fee for completion of application subsequent to filing is required. Indeed, Applicants submit that the application was complete, even without the Abstract, upon submission of the Declaration. Applicants therefore further submit that an Abstract should not be required for a complete filing, and therefore should not require an extension of time.

It is respectfully requested that the PTO credit our Deposit Account No. 50-0320 with the \$405.00.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:

Gordon Kessler
Reg. No. 38,511
(212) 588-0800